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EVENING BULLETIN

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A Honolulu Merchant

Advertising in The Bulletin is sure that his business talk goes into a large proportion of Honolulu homes and has every chance of making him profitable customers.

Vol. XI. No. 1991.

HONOLULU, TERRITORY OF HAWAII, MONDAY, NOVEMBER 11, 1901.

PRICE 5 CENTS.

NEW ENTERPRISE OF HIGH MERIT

Hawaiian Art Publishing Company Fully Established.

WILL ADVERTISE HAWAII PICTORIALLY EVERYWHERE

J. J. Williams, the Veteran Photographer, is Chief Promoter.—Company Now Doing Business With Public.

An important enterprise, that should prove beneficial to Hawaii as well as profitable to its promoters, has now been developed under the name of the Hawaiian Art Publishing Company.

The Hawaiian Art Publishing Company occupies rooms on the ground floor of the Clock Tower building in Fort street, including a front store for the display and sale of the products.

Among the leading products of the company are souvenir albums and calendars, made for general sale, and to order as well.

As subjects of illustration are portraits of Hawaiian royalties, views of town and country, the volcano of Kilauea, sugar plantations and mills, etc.

Amongst the output already on sale is an album of twenty-eight portraits of Hawaiian sovereigns, heirs apparent and princesses, with other members of royal families from Kamohame I to the present day survivors of Hawaiian royalty.

The Hawaiian Art Publishing Co. is prepared to furnish its productions in jobbing lots to business men all over the Territory.

An Attachment. An attachment has been issued by Judge Lyle A. Dickey, Second District Magistrate, levying on the personal property of J. H. Taylor & Co., composed of Messrs. Taylor and Gaspar, to satisfy a judgment of \$235.33 and interest thereon, in favor of E. O. Hall & Son.

The Quick and Comfortable Electrics

are now running every 20 minutes to

COLLEGE HILLS

It takes no longer to go to College Hills by Rapid Transit than it does to go to Piliok St. by slow Trams.

But the cool air and fine views make it like a different country.

Invest a nickel in a ride there this afternoon.

SALES AGENTS. Geo. B. McClellan & Co. AND Castle & Lansdale.

THE SALE PROCEEDED

A wagon, alleged to be the property of Wong Tai, was sold by Mr. Schermerhorn of Morgan's auction rooms, at 12 noon today, to satisfy a judgment of something over \$200, granted by Judge Lyle A. Dickey in favor of Yee Tai.

Deputy Sheriff Chillingworth explained to the crowd that a case against the High Sheriff in the matter of the attachment had been decided in favor of this officer and then instructed the auctioneer to proceed with the sale.

WALK WITH A CAKE

SAT ON A CAKE BUT DID NOT EAT A CAKE

Because the Cake Was Flattened to the Consistency of a Pan-cake By Impending Avoirduois.

There was something missing from the luncheon tendered Miss Mary Forbes of the Neill Company on Saturday evening, which was conspicuous by its absence although it did not mar the festivities in any way and in fact added to the general good time had in celebration of the young lady's twenty-second anniversary.

The cake was a very fine one and had been especially baked for the occasion. Surmounting it were twenty-two small wax candles, and it was likewise ornamented most gorgeously by the hotel chef who laid himself out to outdo himself in the building of the piece.

On returning to the room with drinkables the young man went to his seat and sat down on the birthday cake which had been deposited there by one of his companions in a spirit of fun.

When he heard who the cake belonged to he was very much pained and started out to find another to take the place of the ruined one. It was quite late at night and although he went to all the places where cake was sold it was impossible to find a fitting cake for the occasion.

KEKIPI FINED \$100. Rev. J. Kekipi, the Maui divine, was this morning fined \$100 and costs on the charge of adultery.

United States Marshal E. R. Hendry has had the body of his predecessor, the late Daniel A. Ray, placed on board the transport Kilpatrick for conveyance home to the family of the deceased on the return trip of that vessel from Manila.

Sue—He says he has met Chicago women in great numbers. Belle—No wonder! He used to be a shoe clerk out there.

OPINIONS GIVEN THE TREASURER

On Pay of Teachers and Debt in Honolulu Iron Works.

READ BY ATTORNEY GENERAL TO GOVERNOR

Superintendent Boyd Reports on Recs. on Hawaii—Liquor Licenses Are Passed Upon.

Secretary Cooper attended the Governor's council this morning for the first time since his return from Washington.

Action was deferred on the application of Omori Goshoburo for a liquor dealer's license at Kalahehi, Hawaii. The application of H. Hamano for a liquor dealer's license at Kalahehi, Hawaii, was refused.

P. Coakett was granted a renewal of his light wine and beer license at Waiuku, Maui. James H. Boyd, Superintendent of Public Works, gave a report on the condition of roads on the island of Hawaii as recently viewed by himself.

E. P. Dole, Attorney General, read two opinions he had rendered to the Treasurer. They appear in full below: Territory of Hawaii, Office of the Attorney General, Honolulu, H. I., November 9th, 1901.

Hon. Wm. H. Wright, Treasurer of the Territory of Hawaii. Dear Sir: On October 25th I received a letter from you, together with a communication from Dr. Rodgers, Secretary of the Department of Public Instruction, relative to amounts due teachers for back pay on account of increase of salaries, and inquiring among other things, whether the same is a legal claim against the Government.

The communication of Dr. Rodgers referred to, not furnishing me with the information I desired, upon which to base an opinion, I wrote him for additional information and his reply on the fact indicated in my mind that I subsequently addressed a letter to the Superintendent of Public Instruction. I enclose his reply, together with the two letters written by Dr. Rodgers.

It appears from these letters that there are no regulations of the Department providing for definite periods in employing teachers. The teachers are engaged with the understanding that they have the right to such increase or decrease as may be made in the future. I think it is clear, however, that the Department has no lawful authority to increase or decrease the salaries of teachers retroactively. The reason is plain. The duties of the teacher are a public trust. The moneys at its disposal are trust funds, the property of the public. They cannot be given away, however meritorious the object of such donation may be; and services rendered in pursuance of a contract cannot be paid above the contract rate, although the contract and the rate, as to future services, may be changed at any time.

In Dr. Rodgers' letter of October 15th, he states that the Department, on the 13th of April, 1899, passed the following resolution: "No salaries shall be raised from now on until the next appropriation by the Legislature, for any cause whatever; neither shall the Board consider any application for raise of any salary, whether in or out of the schedule; nor shall any salary be raised by virtue of this schedule, which is hereby suspended until the next legislative appropriation or otherwise." The effect of this resolution would appear to be to continue the then existing salaries in force without increase until changed by subsequent action of the Department.

In Mr. Atkinson's letter of November 5th he says: "The current salaries which should have risen according to the schedule then in force were not raised. It was the current salaries due by the schedule, which were withheld, from lack of funds to pay them. It was not a case of retrospective increase. If a portion of the then established and fixed salaries was withheld, simply from want of funds to pay them, such portion would be a legal claim against the Government, to be satisfied from the appropriation for the payment of unpaid bills; but I fail to see how this construction can be reconciled with the resolution above quoted. If such was the intention of the Department, it certainly was unfortunate in expressing it. I suggest that it might be more satisfactory to the Department of Public Instruction, and to the teachers interested, if the question were submitted to the Supreme Court, without suit, on an agreed statement of facts.

Very sincerely yours, E. P. DOLE, Attorney General, Territory of Hawaii, Office of the Attorney General, Honolulu, H. I., November 9th, 1901.

Hon. Wm. H. Wright, Treasurer of the Territory of Hawaii. Dear Sir: In a communication of

October 25th you enclose a bill of the Honolulu Iron Works Company, Limited, against the Department of Public Works for \$5500 for the first payment on account of contract to furnish a high-lift pump, with steam jacket, the same being one-half the contract price. In regard to this matter, you say that "this contract was signed June 15th, 1900, for \$11,000, one-half of which was to be paid on delivery, and one-half ninety days after delivery. The pump is now ready for delivery, subject to the payment of the enclosed bill, viz.: \$5500."

The Loan Appropriation bill, which failed to pass, included an item of \$17,000 to cover this contract. I do not see how the failure of the Legislature to provide for a loan affects the legality of this contract, if it was within the authorized powers of the Superintendent of Public Works. I do not see why the bill cannot be liquidated, as far as funds are available for that purpose, from the appropriation for "Unpaid Bills incurred on or before June 30th, 1901."

Very respectfully yours, E. P. DOLE, Attorney General. The meeting of the Council continued in session until nearly 2 o'clock this afternoon without recess.

Mr. Boyd's report was the subject of the protracted deliberations.

HOME BEER LICENSES

LEGALITY CONTESTED IN THE FEDERAL COURT

Question Argued on Demurrer—Street Railway Controversy Before Judge Estee This Afternoon.

Before Judge Estee, in the United States District Court this morning, the battle of Hawaiian-made beer came to an acute stage. Mr. Silliman argued the demurrer of W. H. Wright, Treasurer of the Territory, to the complaint of Macfarlane and others regarding the license for the exclusive sale of beer brewed in the Territory.

J. J. Dunne and A. G. M. Robertson appeared for the complainant. The contention of complainants is that the license in question are contrary to the Inter-State Commerce Act and an unlawful discrimination against the retail liquor dealers of the Territory.

In support of the demurrer Mr. Silliman said the general dealers had a right to sell Hawaiian beer now; hence there was no discrimination. They paid \$1000 a year license fee but could sell brandy, whisky, gin, rum, juleps, anything spirituous or malt. On the other hand, the licensee to sell Hawaiian beer could not deal in anything else, so that his license fee of \$250 a year was not discriminatory.

The whole matter was in the hands of Congress, the attorney for the defendant before Congress had already acted upon it when it approved the Hawaiian statute under which these special beer licenses are granted. If the statute is a transgression of the Inter-State Commerce Act, then it is a transgression that has been ratified by Congress.

This afternoon the Honolulu Rapid Transit & Land Company appears in the Federal Court to show cause why it should not be perpetually enjoined against laying its tracks in King street, which the Hawaiian Tramways Company complains is an infringement of its prior franchise and unconstitutional besides.

Reports of a terrible trip of the steamer Waiakala which left here for Kauai on Friday last were brought here by the steamers returning yesterday. The vessel left here with a big cargo and in the Kauai channel ran into a regular gale. The waves ran very high and the wind was remarkably strong. Several times the vessel was completely submerged by the heavy breaking and her decks were filled with water. One time she rolled so deep that one of her boats went under and was wrenched from its davits and lost. On account of the tremendous sea running it was impossible to recover it.

MERCHANTS' ASSOCIATION.

There was to have been a meeting of the Merchants' Association on Saturday last for the consideration of important matters, but Saturday was a bad day and not enough members of the organization turned up to make a quorum, so the meeting was set for Friday next. It is hoped that there will be a full attendance at that time.

Teacher—Now, here is an example in mental arithmetic. How old would a person be who was born in 1887? Tommy—Please, mum, was it a man or a woman?—Tit-Bits.

M.P.D.

The Merchants' Parcel Delivery COMPANY.

Delivers packages to any part of the city for 10c upwards. Try them, Phone Blue 621. Packages shipped to all parts of United States and Europe. Office, 1047 Bethel St., opposite Honolulu Market.

SUPREME COURT AGAIN SITTING

Rule Adopted to Secure Square Dealing by Attorney.

CONVICTION AND SENTENCE IN THE CIRCUIT COURT

Denial of Motion for New Trial of Harrison vs. Magoon and Others By Judge Gear.

The Supreme Court opened this morning with all the members present—Chief Justice Pease, and Associate Justices Galbraith and Perry.

The calendar was called, an attorney admitted and a new rule adopted. Then recess was taken until 1:30 this afternoon.

The new rule governs the placing of cases on the calendar. It provides that when the clerk has been notified that all the requirements have been complied with before this is the fact, the fact, the case will be stricken from the calendar. Attorneys will therefore have to be truthful, in this particular respect at least, under penalty of having their cases thrown out.

Joekpa, alias "Tikepa," was tried for assault and battery, before Judge Gear, by the following jury this morning: Jacob Lando, L. A. Rostin, Jos. Richard, Edwin K. Blake, Benjamin R. Campbell, Alex. K. Aona, John L. Hansmann, George W. Macy, David Notley, Charles E. Lake, John W. Smithies and R. A. Dexter. Assistant Attorney General Douthett prosecuted and William Rawlins defended the prisoner.

Judge Gear denied the motion of defendants, in Harrison vs. Magoon and others, for a new trial. Chang Lin has been appointed by Judge Humphreys administrator of the estate of Young Lung, deceased, under \$800 bond.

VISITING FORESTER

SUPERINTENDENT ABERN RETURNING TO MANILA

Under Escort of Commissioner Taylor He Visits the Governor and the Federal Experiment Station.

Captain Abern, Superintendent of Forestry in the Philippine Islands for the United States Government, was shown around the Capital and the city this morning by Wray Taylor, Commissioner of Agriculture and Forestry. A call was made on Governor Dole. Then Mr. Taylor drove the visitor to the Federal Experiment Station, where greetings were exchanged and notes compared with Director Jared Smith. The drive would have been extended to the Territorial forest nursery at Nuuanu Pali but for the inclement weather. Instead Mr. Taylor escorted the visitor in a drive about town.

Captain Abern went to Washington with his report and is returning to Manila in the transport Kilpatrick, accompanied by five foresters. Commissioner Taylor has arranged with him for an exchange of seeds and plants from time to time between Hawaii and the Philippines. Captain Abern's visit may therefore prove of much value to the Territory.

NEW FORAGE PLANT.

Commissioner Taylor has received at the Agricultural Department the seeds of "Pencilaria," a wonderful forage plant of great value to stock farmers. The broad foliage resembles corn leaves. It grows to 12 or 14 feet high, bears cylindrical heads from 12 to 20 inches long, closely set with thousands of tiny seeds, which are greatly relished by poultry. This "Pencilaria" will yield the heaviest crop of any fodder plant. It has yielded 95 tons per acre. Mr. Taylor has a small quantity of the seed, which will be grown at the Government Nursery.

Football Next Saturday.

On next Saturday afternoon at the usual time, the Maile-Ilima and Honolulu Athletic teams will play football. Both are well organized and both are naturally out after the championship. The strongest and best players of the city are with these teams and one of the best games of the season may be expected. For the past month, both teams have been working most diligently. If the day is a good one there will undoubtedly be several hundred people out to see the game.

Dr. Franklin says that "every little fragment of the day should be saved." Oh, yes, the moment the day breaks set yourself at once to save the pieces.

A BAD WITNESS.

Kaaloala was arrested on Queen street, near Punchbowl, between 5 and 6 o'clock yesterday afternoon. Two mounted patrolmen told the same story about the native which was to the effect that he beat his horse so badly with a whip that the animal bolted and then kicking off the dashboard of the vehicle, separated himself and kept on going. The vehicle was thrown over and both the native and an eight-year-old child were caught underneath. Fortunately no one was hurt.

Defendant said he only struck the horse with the lines but that the whip was in his hands at the time. He lost control of the animal. Kaaloala called Officer Nawaa, a native, to the stand, expecting him to side with him but the big fellow, who was near by at the time of the trouble, simply corroborated the story of the two white officers. Defendant was fined \$15 and costs.

will help you. That is in our line and the PRICE IS RIGHT, at the EVENING BULLETIN.

A LICENSE CANCELLED

HACKMAN ROSA RUNS AFOUL OF THE SHERIFF

Attorney Chillingworth Makes a Kick and Then Files An Appeal—Story of Reckless Drive.

High Sheriff Brown has begun a most aggressive campaign against the hack drivers of the city who do not live up to the hack regulations as established. In the Police Court this forenoon and, at the instance of Mr. Brown, Judge Wilcox cancelled the license of Joe Rosa, a Portuguese, besides fining the defendant \$10 and costs for being drunk while in charge of a licensed vehicle. Attorney Chillingworth, who appeared for the defendant, noted an appeal but in the meantime, Rosa's hack will have to be put up.

When the defendant appeared before Judge Wilcox, he pleaded guilty but gave as an extenuating circumstance, the fact that he had had nothing to eat on Saturday and that the two drinks of brandy which he had taken, had got the best of him.

High Sheriff Brown stated that an ordinary fine was not enough. He had made the arrest himself and had seen the defendant driving for three or four blocks along on King street in a most reckless manner. It was not due to him that someone was not killed. Defendant had been up on the same charge before.

Attorney Chillingworth characterized the recommendation of Mr. Brown as inconsistent. Many people who had been up for heedless driving, had not had their licenses cancelled. Mr. Brown answered that he could not ask for a cancellation of a license on the charge of heedless driving but where an offence came within the hack regulations, then he could make such a recommendation.

Judge Wilcox said that it would not do to wait until someone had been run over in the street before taking action. He then cited a case in point, saying that there was a time when wild cattle from various parts of the islands were driven on the street. Nothing was done until one day, the Minister of the interior was thrown into the air on the horns of a big bullock. A law was then made and the practice stopped. Judge Wilcox then imposed the fine and cancelled Rosa's license.

Lillian Disobedient.

Lillian, a fourteen-year-old native girl, was arrested yesterday for disobedience to her parents, on complaint of her mother. In the Police Court today, the mother stated that the girl had been away from the home near Camp McKinley for several days and that it was only by accident that she happened to run across her on the street yesterday. Her daughter had done the same thing twice before and, since she found she could do nothing, she had decided to have the law take a hand. The girl, when spoken to by Judge Wilcox, seemed very much frightened and consented most readily to return to her home and mind her parents.

Saloon in Olan.

George Henderson writes to a friend in Honolulu that he has just opened his saloon in Olan and that, although he had only been running his place a few days previous to the capture of the Kinau, he had found it to be a financial success. Every one in the district was pleased with the neat little saloon and all classes of people were included in the list of its patrons. A photograph of the place is soon to be taken in order that copies may be sent to Honolulu to show the people what an up-to-date place Olan is after all.

Green tomato soy for fish and meat is made by slicing, without removing the skin, a two-gallon jar of green tomatoes and eight or ten sized onions. Heat slowly without adding water, then put in two pounds of brown sugar, two quarts of vinegar, two tablespoons each of salt, ground pepper and mustard, a tablespoonful each of ground cloves and allspice. Cook slowly until tender, then put in pint cans and seal.

POUNDS OF DOPE BY THE ALAMEDA

Customs Officer Made a Rich Find on the Wharf.

FORTY CASES TO HAND BY ACCIDENT YESTERDAY

Shipped from Coast as Nut Oil—Duty Paid in San Francisco—False Entry.

By the breaking of a slingfull of freight yesterday at the steamer, Alameda 500 pounds of opium were discovered put up in nut-oil tins. This large shipment under false representations goes to prove the falsity of the Advertiser's opium yarn of several months ago and proves the statement of the Customs men that the only dope coming here arrived from San Francisco.

Yesterday while the Alameda was discharging a slingfull of freight fell to the wharf and some black stuff, immediately recognized as opium, was seen to be oozing from the cases. A Customs man standing near made an investigation of all the cases consigned to the people in town to which the broken ones belong and found that in each case there were two cans of nut oil and two cans of dope. Each can of dope contained twelve and a half pounds of opium and there were five hundred pounds in all. A careful examination of the tins showed that it was not liable for duty as it had been properly stamped and showed that it had been passed by the revenue officers in San Francisco. The cases were marked H. L. K. Honolulu, and were entered as nut oil. They belonged to a Chinese firm here and the head man of the firm, when questioned about the matter, stated that the reason the stuff was shipped in the way it was is because if it came in the ordinary way and was labeled opium, it would be stolen on the way here or broken into and some of it taken before it reached him. As it is, the matter will be sifted to the bottom and the importer of the stuff made to see the error of his ways for making a false entry on the manifest of an entry is quite a serious offence.

Under the old Hawaiian laws, the man who discovered the opium would have had quite a little pocket money to spend for some time, as the law was very severe in regards the importation of dope. Under the United States tariff the opium paid a three thousand dollar duty in San Francisco and, being duty paid, is not subject to seizure.

Among the outside officers of the Customs the discovery of the dope is being commented upon very cheerfully, as it goes to prove that the charges made by the morning organ and the Police Department, that opium was being brought in here in large quantities without the knowledge of the officials is not true. How much opium is brought here from San Francisco as something else is not known, but since the arrival here many months ago of a shipment made regularly, there has not been a single entry of the stuff at the Custom House. The discovery yesterday goes to show how the stuff gets here.

POLO MATTERS. On Saturday next, there will be a practice game of polo on the grounds of S. M. Damon at Moanalua. Mr. Damon has set aside a small field on which the polo players may play until the big field, now being put into shape for the remainder of the games of the season is ready to be used. The polo men expect to play their next regular game at Moanalua.

Nothing has yet been heard from the Maui players but, it is learned on good authority, that these men are getting into shape and that they will soon be in a position to send the Honolulu players a challenge.

Fine fat turkeys for Thanksgiving and Christmas dinner. Ring up white 2661.

"With shoes the last is first, with me the first shall be the last and when shoes wear out, they're mended new. Whilst men wear out are men dead too."

Our Repair Department is a First-class Institution

and work done by us is work done right. If you have decided to have new soles or heels on your old shoes, bring them to us. We guarantee to do the very best work at the lowest price.

MANUFACTURERS SHOE COMPANY

1057 FORT STREET.